

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHNNIE WILLIAMS,

Defendant.

CR No. 10-20174

42 USC § 6928(d)(2)(A)

INDICTMENT

RECEIVED

APR 21 2010

THE GRAND JURY CHARGES:

United States District Court  
Western Tennessee

1. At all times material to this Indictment:

(a) Defendant Johnnie Williams was the President of American Drum and Pallet Company, Inc. ("American Drum"), 801 Walnut Street, Memphis, Tennessee 38126.

(b) Defendant Johnnie Williams has operated American Drum from approximately 2002 continuing to the present.

(c) The Resource Conservation and Recovery Act (hereinafter "RCRA") was a federal law establishing a comprehensive regulatory program for the management of hazardous waste. Those who generate, transport, treat, store, dispose of, or otherwise handle hazardous waste must comply with the statutory and regulatory requirements of RCRA. 42 U.S.C. § 6901-6926; 40 CFR Part 260-272.

(d) The State of Tennessee has been authorized to administer a hazardous waste program pursuant to RCRA. 42 U.S.C. § 6926(b).

(e) Knowing storage of hazardous waste without a permit issued by the State of Tennessee is a criminal offense. 42 U.S.C. § 6928(d)(2)(A).

(f) Hazardous waste includes, but is not limited to, material which is either listed as hazardous pursuant to Tennessee Department of Environment and Conservation Division of Solid/Hazardous Waste Management ("TDEC") Rule 1200-1-11-.02(4), or is characteristically hazardous, pursuant to TDEC Rule 1200-1-11-.02(3).

(g) American Drum has been in the drum recycling business, acquiring steel and poly drums from businesses, emptying them when necessary, washing them, removing dents, painting them, and selling them. Included among the businesses from which American Drum acquired drums were chemical and manufacturing companies that used solvents and other hazardous materials. When American Drum acquired drums that were not empty, Defendant Johnnie Williams instructed employees to pour the contents into another drum. Defendant Johnnie Williams knew that some of the materials were hazardous.

(h) Defendant Johnnie Williams never obtained a permit to store hazardous waste. Nevertheless, the drums into which hazardous waste had been poured were set aside at American Drum and remained on the site.

2. From sometime in or about 2002 at least until the summer of 2007, at American Drum, 801 Walnut Street, Memphis, Tennessee 38126, in the Western District of Tennessee, Defendant Johnnie Williams knowingly stored, and caused the storage of hazardous wastes, including Methyl Parathion, without a permit in violation of Title 42, United States Code, Section 6928(d)(2)(A).

A TRUE BILL:

S/Grand Jury Foreperson

FOREPERSON

DATED:

April 21, 2010

  
UNITED STATES ATTORNEY